

REMARKS

As included herein, Applicants have amended claim 1 as shown and added new claims 22 and 23 to particularly point out and distinctly claim the invention.

Claims 1 and 13-20 have been rejected under 35 U.S.C. 103 (a) as being obvious over Shibahata (US Patent 6,053,291) in view of Arai or Feigel. In the Office Action of record, the Office cites column 4 lines 27-42 and lines 55-59 of Shibahata (US Patent 6,053,291). A close reading of these cited lines of Shibahata (US Patent 6,053,291) clearly shows that Shibahata (US Patent 6,053,291) discloses a damper in which the magnetizable attracting members 13 are magnetically attracted outward towards inner tube 2 in which they are housed. As stated in the cited section column 4 lines 27-42 of Shibahata (US Patent 6,053,291) "The magnetizable attracting members 13 are each made of a magnetic member such as iron, or the like. When the magnet coil 12 is charged with electricity, there is formed a closed magnetic circuit 15, as shown in FIG. 3, from the magnet coil 12, one of the upper and lower magnetizable attracting members 13, the inner tube 2, the other of the upper and lower magnetizable attracting members 13, and to the magnet coil 12. The magnetizable attracting members 13 are thus magnetized and attracted into contact with the inner tube 2, whereby a damping force by friction is generated." Shibahata (US Patent 6,053,291) clearly teaches attracting the members 13 outward into contact with the surrounding inner tube 2 in which they are housed, with the cited lines 55-59 of Shibahata (US Patent 6,053,291) teaching that the members 13 are attracted and moved outward into contact with the inside of the inner tube 2, similarly with members 13 flexibly mounted in FIG. 6-9 so that they can move outward towards inner tube 2 in which they are housed. As disclosed in Shibahata (US Patent 6,053,291) inner tube 2 is the inner tube of a twin-tube type hydraulic damper for a vehicle such as a motor vehicle, with the inner tube constituting an oil chamber divided into an upper chamber 6 and a lower chamber 7 (column 3, lines 40-50). In reference to FIG. 1, at column 3, line 57 through the end of the paragraph at line 10, column 4, it is disclosed that this hydraulic damper is connected to a suspension arm and a vehicle body with oil flow through the orifice 8 between the upper chamber 6 and the lower chamber 7 providing a damping force. With such a complete reading of Shibahata (US Patent 6,053,291) and an understanding of what Shibahata (US Patent 6,053,291) actually teaches, it is clear that Shibahata (US Patent 6,053,291) combined with the other references as proposed in the Office Action of record, actually teaches away from the present invention. Shibahata (US Patent

6,053,291) teaches moving the members 13 outward towards their housing inner tube 2 which is the opposite of drawing the inner tube 2 inward towards its piston and rod. Additionally one skilled in the art would understand that the inner tube 2 of Shibahata (US Patent 6,053,291) is not flexible, and instead is inflexible in that it is functioning as the inner tube of the twin-tube type hydraulic damper as describe above. The proposed combinations of Arai or Feigel do not make up for these differences between Shibahata (US Patent 6,053,291) and the present invention, particularly in that Shibahata (US Patent 6,053,291) teaches the opposite of the present claims.

Claim 21 has been rejected under 35 U.S.C. 103 (a) as being obvious over Shibahata (US Patent 6,053,291) in view of Arai or Feigel as applied to claim 1 and further in view of Weitzenhof et al. As argued above, such a proposed combination would still rely on Shibahata (US Patent 6,053,291) teaching that the inner members 13 are moved outward towards the inner tube 2, with the inner tube relatively inflexible. The addition of the known idea of Weitzenhof et al., does not cure the fact that the proposed combination used in the rejection actually teaches the opposite of the present invention and claims with the flexible housing drawn inward toward the movable member piston.

In that the proposed combination of references which are based on the teachings and disclosure of Shibahata (US Patent 6,053,291) actually teach away and disclose the opposite of the present claims, Applicants respectfully request a Notice of Allowance of claims 1, 13-21, and newly added claims 22 and 23. In that the present claims are not rendered obvious by the current proposed combination of references in the Office Action of record, the current rejection should accordingly be withdrawn and the claims allowed.

Respectfully submitted,

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